

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12 cv 380**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) **ORDER**
)
 ONE 2008 MERCEDES C300 SEIZED)
 ON JUNE 5, 2012 FROM ALEX DEAN)
 NELSON AT 4640 CELIA CREEK)
 ROAD, LENOIR, NORTH CAROLINA,)
)
 Defendant.)
 _____)

THIS MATTER has come before the Court pursuant to a Motion to Strike Claim and Answer (#17) filed by the Government.

LCvR 7.1 provides as follows:

(B) Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding. Consultation is not required where the moving party is represented and the non-moving party is unrepresented, or where the motion is for an extension of time to file a responsive pleading to complaint, counterclaim, crossclaim, or any other initial petition for relief.

(C) Requirement of Briefs. Briefs shall be filed contemporaneously with the motion, except no brief is required in

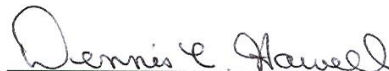
support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery. Exhibits in support of a brief shall be attached as appendices as specified in the Administrative Procedures. Factual contentions shall be supported as specifically as possible by citation to exhibit number and page.

The motion of the Government does not show that the United States Attorney has consulted with counsel for the claimant concerning the motion and the record further shows that a brief was not filed by the United States of America. As a result, the undersigned will deny, without prejudice, the Motion to Strike Claim and Answer.

ORDERED

IT IS, THEREFORE, ORDERED that the Motion to Strike Claim and Answer (#17) is hereby **DENIED** without prejudice.

Signed: October 28, 2013



Dennis L. Howell
United States Magistrate Judge

